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REMARKS

Claims 1-10, 12, 14-17, and 23-49 are currently pending. Claims 1, 10, 12, 23, 28, and 34 have been amended for clarification purposes only and are self-supporting. It is respectfully submitted that no new matter has been added.

The Patent Office rejected claims 1-3, 5, 6, 10, 23, 25, 26, 41, 42, 44, 45, and 49 under 35 U.S.C. 102(e) as being anticipated by Zilliacus, U.S. Published Patent Application No. 2003/0211856.

For a claim to be anticipated, each and every non-inherent claim limitation must be disclosed in a single reference. MPEP 2131.

The Patent Office has a duty to find and apply the best prior art in rejecting claims. Here it appears that instead of the best prior art, other art has been applied to the claims where the other art, Zilliacus, is less relevant to the claims than the previously relied upon reference, Nagaoka. The Patent Office is reminded that MPEP Section 707 states "In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command."

Claim 1 provides a method of configuring a digital broadcast receiver so as to receive broadcast messages (e.g., MMSs) which cannot also be received by other digital broadcast receivers. Applicant believes that "configuring" should take its ordinary meaning. For example, Webster's College Dictionary, 2003 edition, defines "configure" as "to set up operation especially in a particular way." Zilliacus does not disclose configuring a receiver, let alone configuring a digital broadcast receiver, as claimed in claim 1. The Patent Office's attention is drawn to the specific embodiments for material useful in understanding what is meant by the term "configuring". Zilliacus does not seem to disclose a configuring of anything, so does not disclose this claimed subject matter. In particular, paragraph 0055 of Zilliacus, cited by the Patent Office as a teaching of configuring, provides no such teaching. As disclosed in paragraph 0055 of Zilliacus "FIG. 10 is a block diagram illustrating an exemplary interactive presentation environment 1000 implementing MMS voting in accordance with the present invention." Zilliacus further discloses in paragraph 0055 a presentation screen viewable by a mobile device in which a participant may transmit a

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“photograph or image to the server/presentation application 1016 via MMS messaging” and “[u]sing MMS, textual information can also or alternatively be provided, as previously described in connection with the SMS embodiment.” However, there is no disclosure or suggestion of “is a method of configuring a digital broadcast receiver.”

Zilliacus also does not disclose sending to a receiver “network message detection data that allows [a] receiver to identify messages broadcast through [a network] with at least one individual address corresponding to [the receiver]”. On the contrary, it seems that in Zilliacus all of the devices which need to be addressed in some way are already provided with addresses. Thus, there is no need to send to a receiver in Zilliacus “network message detection data” for allowing the receiver to identify messages broadcast to it. Furthermore, claim 1 goes further and specifies that the messages are broadcast “through said digital broadcast network” and that the receiver is a “digital broadcast receiver”. Neither of these features seems to be present in a relevant form in Zilliacus.

Since Zilliacus does not disclose sending “message detection data”, it also does not disclose “storing said message detection data for use in said digital broadcast receiver to detect messages addressed thereto”.

To conclude, Zilliacus does not disclose subject matter recited in claim 1. Consequently, Zilliacus does not anticipate claim 1.

The other independent claims, claims 10 and 23, are likewise patentable at least for corresponding reasons.

The Patent Office rejected claims 4, 7, 9, 12, 14-17, 24, 27-40, 43, 46, and 48 under 35 U.S.C. 103(a) as being unpatentable over Zilliacus, as applied to claims 1, 10, and 23 above, and further in view of Bensimon, U.S. Published Patent Application No. 2004/0157584.

As discussed above, Zilliacus does not disclose sending “message detection data,” broadcasting through a digital broadcast network, or configuring a digital broadcast receiver.

Bensimon, directed to establishing and managing a trust model between a chip card and a radio terminal, does not cure the deficiencies of Zilliacus as he does not disclose sending “message detection data,” broadcasting through a digital broadcast network, or configuring a digital broadcast receiver.

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Since the Patent Office asserts that paragraphs 0055-0059 of Zilliacus anticipate “message detection data including identity data corresponding to an individual identification code stored in said digital broadcast receiver,” why would one of ordinary skill in the art look for the alternative message detection of a key, as disclosed by Bensimon?

This is especially puzzling because claim 1 recites, in pertinent part, as follows:

wherein said message detection data comprises at least one of message detection data which is encrypted using a substantially unique key associated with said digital broadcast receiver, **and** message detection data including identity data corresponding to an individual identification code stored in said digital broadcast receiver.

That is, claim 1 recites that the message detection data is “message detection data which is encrypted using a substantially unique key associated with said digital broadcast receiver” **or** “message detection data including identity data corresponding to an individual identification code stored in said digital broadcast receiver.” The Patent Office has asserted that Zilliacus discloses the first alternative of “message detection data including identity data corresponding to an individual identification code stored in said digital broadcast receiver.” **So, why would one of ordinary skill in the art now look to Bensimon for a teaching for the second alternative of “message detection data which is encrypted using a substantially unique key associated with said digital broadcast receiver?”**

A keyword search for the word “key” in the Zilliacus document has resulted in zero hits. There seems to be no teaching or suggestion of a key, a need for a key, or a desire for a key in Zilliacus.

Accordingly, claims 4, 7, 9, 12, 14-17, 24, 27-40, 43, 46, and 48 are allowable over Zilliacus and Bensimon.

The Patent Office rejected claims 8 and 47 under 35 U.S.C. 103(a) as being unpatentable over Zilliacus, as applied to claims 1 and 10, and further in view of Mathis, U.S. Patent No. 6,993,327.

Mathis does not remedy the deficiency of Zilliacus as he does not disclose configuring a digital broadcast receiver. Mathis discloses (column 5, lines 28-35):

Upon receiving one or more multicast addresses, each client device 102, 104, 106, 108 performs actions necessary, i.e., configures itself, to receive

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multicast traffic sent to these multicast addresses at Step 260. The preferred embodiment is based on IP Multicast and, thus, each client device 102, 104, 106, 108 sends an Internet Group Management Protocol ("IGMP") Join message to the first-hop router.

Mathis does not disclose how the client devices 102 are configured and does not disclose message detection data selected from the group comprising "message detection data which is encrypted using a substantially unique key associated with said digital broadcast receiver, and message detection data including identity data corresponding to an individual identification code stored in said digital broadcast receiver."

Thus, claims 8 and 47 are allowable over the prior art of record.

The Patent Office is respectfully requested to reconsider and remove the rejections of claims 1-3, 5, 6, 10, 23, 25, 26, 41, 42, 44, 45, and 49 under 35 U.S.C. 102(e) as being anticipated by Zilliacus and of claims 4, 7-9, 12, 14-17, 24, 27-40, 43, and 46-48 under 35 U.S.C. 103(a) based on Zilliacus, in view of Bensimon or Mathis and to allow all of the pending claims 1-10, 12, 14-17, and 23-49 as now presented for examination. An early notification of the allowability of claims 1-10, 12, 14-17, and 23-49 is earnestly solicited.

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